

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

TIMOTHY HUMPHREY,	:	
	:	
Petitioner,	:	Case No. 3:05cv0373
	:	
vs.	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Sharon L. Ovington
WARDEN WANZA JACKSON,	:	
	:	
Respondent.	:	
	:	

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**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS FILED ON OCTOBER 27, 2008 (Doc. #25); DENYING TIMOTHY HUMPHREY'S PETITION FOR WRIT OF HABEAS CORPUS (Doc. #1); DECLINING TO ISSUE A CERTIFICATE OF APPEALABILITY UNDER 28 U.S.C. §2253(c); AND TERMINATING THIS CASE ON THE DOCKET OF THE COURT**

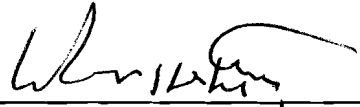
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The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #25), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on October 27, 2008 (Doc. #25) is ADOPTED in full;
2. Timothy Humphrey's Petition for Writ of Habeas Corpus (Doc. #1) is DENIED;
3. A certificate of appealability under 28 U.S.C. §2253 shall not issue; and

4. This case is terminated on the docket of this Court.

A handwritten signature in black ink, appearing to read 'Walter Herbert Rice', is written above a horizontal line.

Walter Herbert Rice  
United States District Judge